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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 34—APPOINTMENT, COMPENSATION, AND REMOVAL OF HEARING EXAMINERS

DETAILS

1. A new paragraph, (d–1), is added to § 34.2 as follows:

§ 34.2 *Definitions.* * * *

(d–1) *Detail.* Detail means the temporary assignment of an employee from one position to another position without change in his civil-service or pay status. The assignment to a hearing examiner of a case of the level of difficulty that would ordinarily be assigned to a hearing examiner of a higher grade does not of itself constitute a detail within the meaning of this part.

2. Paragraph (c) is added to § 34.5 as follows:

§ 34.5 *Promotion, reassignment, and transfer.* * * *

(c) *Details.* Employees serving in positions other than hearing examiner positions may not be detailed to hearing examiner positions. Details from one hearing examiner position to another hearing examiner position in a higher grade may be made only after the prior written approval of the Commission has been secured.

These amendments shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 11, 60 Stat. 244; 5 U. S. C. Sup. 1010)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] H. B. MITCHELL,
President.

[F. R. Doc. 48–1234; Filed, Feb. 10, 1948; 8:53 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter G—Farm Ownership

PART 364—REGULATIONS

FARM OWNERSHIP LOAN LIMITS

For the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and loan limits for the counties identified below are determined to be as herein set forth; and § 364.11 (b), Part 364 of Title 6 of the Code of Federal Regulations, as amended November 14, 1946 (11 F. R. 13611), is amended by adding said counties, average values, and loan limits to the tabulations appearing in said section under the States of Idaho and Wisconsin:

State	County	Average value	Loan limit
Idaho	Camas	$12,000	$12,000
Wisconsin	Sheboygan	15,000	12,000

(Secs. 3 (a), 41 (i), 52 Stat. 523, 528, secs. 3, 5, 60 Stat. 1064, 1072; 7 U. S. C. 1003 (a), 1015 (i))

Issued this 5th day of February 1948.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 48–1232; Filed, Feb. 10, 1948; 8:53 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

[B. E. P. Q. 567]

PART 301—DOMESTIC QUARANTINE NOTICES

REQUIREMENTS OF MEXICAN FRUITFLY REGULATIONS REIMPOSED

Introductory note. Due to the finding of a small number of adult Mexican fruitflies in the Texas area regulated on account of this insect, permit requirements covering the interstate movement therefrom of regulated citrus fruits have been ordered resumed on February 9, 1948. These permit requirements were temporarily suspended at the beginning of the harvest season on September 1, 1947, pending reappearance of adult infestation. Grove inspection and sanitation procedures and the requirements for packing-house operation have continued while permit requirements were suspended.

This action is for the purpose of reinvoking requirements that are needed to

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FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

[1] P. L. O. 444.

CODIFICATION GUIDE—Con.

[2] P. L. O. 443.
[3] P. L. O. 445.

CODIFICATION GUIDE—Con.

[1] P. L. O. 442.

assure against spread of the Mexican fruitfly when it is present in adult form and likely to lay eggs on citrus fruit of the current season's crop. Restoration of the requirements is therefore necessary as soon as surveys or traps disclose the first appearance of adults of this insect. The first few adults of the season were observed recently. To accomplish the purpose for which they are intended these requirements must be restored immediately. For the reasons stated, it is found upon good cause, pursuant to the provisions of section 4 of the Administrative Procedure act (60 Stat. 238), that notice and public procedure on this order are unnecessary, impracticable, and contrary to the public interest, and good cause is found for issuing the order effective less than thirty days after publication.

§ 301.64–3f *Administrative instructions ordering the resumption of permit requirements for interstate movement of citrus fruits from the regulated area.* The Chief of the Bureau of Entomology and Plant Quarantine, having determined that natural conditions exist with respect to the area regulated by Notice of Quarantine No. 64 on account of the Mexican fruitfly (7 CFR 1945 Supp. 301.64 to 301.64–7, incl.) which make it necessary to resume all permit requirements relative to interstate movement of regulated citrus fruits from the regulated area to prevent dissemination of this insect, hereby restores all permit requirements for the interstate movement of such fruits from such regulated areas, effective 12:01 a. m., February 9, 1948, until due notice of the lifting of such permit requirements shall have been given.

These administrative instructions cancel and supersede B. E. P. Q. 565, effective September 1, 1947 (12 F. R. 5833). (Sec. 8, 37 Stat. 318, 39 Stat. 1165, 44 Stat. 250; 7 U. S. C. 161; 7 CFR, 1945 Supp., § 301.64–3 (a))

Done at Washington, D. C., this 4th day of February 1948.

Effective: February 9, 1948.

[SEAL] P. N. ANNAND,
Chief, Bureau of Entomology and Plant Quarantine.

[F. R. Doc. 48–1258; Filed, Feb. 10, 1948; 8:58 a. m.]

Chapter VIII—Production and Marketing Administration (Sugar Branch)

PART 802—SUGAR DETERMINATIONS

CORRECTION OF STATEMENT OF BASES AND CONSIDERATIONS INVOLVED IN 1948 HAWAIIAN WAGE DETERMINATION

The Statement of Bases and Considerations underlying the "Determination of Fair and Reasonable Wage Rates for Persons Employed in the Production, Cultivation, or Harvesting of Sugarcane in Hawaii During 1948," issued January 13, 1948 (13 F. R. 212), is corrected by changing the first sentence of the second paragraph under "(c) *Background*" thereof to read as follows: "During 1945, bargaining agreements were negotiated between a committee representing the International Longshoremen's and Warehousemen's Union sugar locals and units and a committee representing the sugar producing companies on the matter of wages and working conditions for sugarcane workers."

(Secs. 301 and 403, Pub. Law 388, 80th Cong.)

Issued this 5th day of February 1948.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 48–1231; Filed, Feb. 10, 1948 8:53 a. m.]

TITLE 10—ARMY

Chapter V—Military Reservation and National Cemeteries

PART 501—LIST OF EXECUTIVE ORDERS, PROCLAMATIONS, AND PUBLIC LAND ORDERS AFFECTING MILITARY RESERVATIONS

ALASKA, CALIFORNIA AND COLORADO

CROSS REFERENCE: For orders revoking in part certain other orders and withdrawing public lands for the use of the Department of the Army, thereby affecting the tabulation contained in § 501.1, see Public Land Orders 442, 443 and 445 in the Appendix to Chapter I of Title 43, *infra*. Public Land Order 442 revokes in part Public Land Order 125, withdrawing public lands in California for use as bombing target sites; Public Land Order 443 withdraws public lands in Colorado for flood control purposes and takes precedence over but does not modify the withdrawal made by Executive Order 6910; and Public Land Order 445 revokes in part Executive Order 8877, as amended by Executive Order 9526, withdrawing public lands in Alaska.

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5010]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

ISABELLE BEAUTETICS CO., ETC.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service:* § 3.6 (y 10) *Advertising falsely or misleadingly—Scientific or other relevant facts.* In connection with the offering for sale, sale and distribution of the preparation "Velskin", or "Tillson's Decleanser", or any other product of substantially similar composition or possessing substantially similar properties, whether sold under the same names or under any other name, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase in commerce, etc., of said preparation, which advertisements represent, directly or by implication, (a) that the skin of a person breathes or that respondent's preparation will uncover or create new skin; (c) that said preparation will have any beneficial effect upon sagging muscles; (d) that said preparation will penetrate clogged pores of the skin, or that it will remove dirt or other foreign matter from the pores of the skin; (e) that said preparation will remove all cigarette, paint, ink or vegetable stains from the skin; or, (f) that said preparation will soften brittle fingernails or keep fingernails from becoming brittle; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Isabelle Beautetics Company, etc., Docket 5010, December 4, 1947]

At a regular session of the Federal Trade Commission held at its office in the city of Washington, D. C., on the 4th day of December A. D. 1947.

In the Matter of R. H. Tillson, an Individual Trading as Isabelle Beautetics Company and Also Trading as R. H. Tillson Co.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, testimony and other evidence in support of and in opposition to the allegations of the complaint taken before a trial examiner of the Commission theretofore duly designated by it, and the trial examiner's recommended decision, and brief in support of the complaint (no brief having been filed on behalf of the respondent and oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that said

respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, R. H. Tillson, individually and trading as Isabelle Beautetics Company, R. H. Tillson Company, or trading under any other name, and his agents, representatives and employees, in connection with the offering for sale, sale and distribution of the preparation "Velskin", or "Tillson's Decleanser", or any other product of substantially similar composition or possessing substantially similar properties, whether sold under the same names or under any other name, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication:

(a) That the skin of a person breathes or that respondent's preparation will assist the skin to breathe;

(b) That said preparation will uncover or create new skin;

(c) That said preparation will have any beneficial effect upon sagging muscles;

(d) That said preparation will penetrate clogged pores of the skin, or that it will remove dirt or other foreign matter from the pores of the skin;

(e) That said preparation will remove all cigarette, paint, ink or vegetable stains from the skin;

(f) That said preparation will soften brittle fingernails or keep fingernails from becoming brittle.

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of said preparation in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any representation prohibited in paragraph 1 hereof.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 48-1223; Filed, Feb. 10, 1948; 8:50 a. m.]

TITLE 24—HOUSING CREDIT

Chapter I—Home Loan Bank Board

[No. 474]

PART 05—SPECIFIC DELEGATIONS OF AUTHORITY

APPROVAL OF AMENDMENTS TO CHARTER K BY FEDERAL SAVINGS AND LOAN ASSOCIATIONS

Resolved that the following shall become effective upon publication in the FEDERAL REGISTER and shall be added as a new § 05.14 of Part 05 of Chapter I of Title 24 of the Code of Federal Regulations:

§ 05.14 *Authorization to Governor or Chief Supervisor to approve amendments of Chapter K.* The Governor or the Chief Supervisor is hereby authorized to give, for the Home Loan Bank Board, the approval provided in section 16 of Charter K to any amendments properly approved by the members of Federal savings and loan associations operating under Charter K, at a legal meeting, of charter amendments which read in any of the forms set forth in paragraph (d) of § 202.9 of the rules and regulations for the Federal Savings and Loan System as now in effect, and as the same may be from time to time amended. A copy of each such approval shall be filed with the Secretary to the Home Loan Bank Board. (Sec. 5 (a), 48 Stat. 132, sec. 3, 60 Stat. 238; 12 U. S. C. 1464 (a), 5 U. S. C. Sup., 1002; Reorg. Plan No. 3 of 1947, 12 F. R. 4981)

Dated: February 5, 1948.

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE, *Secretary.*

[F. R. Doc. 48-1257; Filed, Feb. 10, 1948; 8:57 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XXIV—Department of State, Disposal of Surplus Property

[FLC Reg. 8, Amdt. 2; Dept. Reg. 108.65]

PART 8508—DISPOSAL OF SURPLUS PROPERTY LOCATED IN FOREIGN AREAS

IMPORTATIONS INTO THE UNITED STATES

Section 8508.15 of FLC Regulation 8, as amended (Departmental Regulations 108.30, 108.50; 11 F. R. 13423, 12 F. R. 5963), is hereby amended further by rephrasing (c) of the first proviso of that section so that the section will read as follows:

§ 8508.15 *Importations into the United States.* Surplus property which has been sold in foreign areas shall not be imported into the United States in the same or substantially the same form in which it was exported from the United States if such property was originally produced in the United States and is readily identifiable as such, except to the extent that the Secretary of State specifically authorizes such importations by order issued hereunder;[1] *Provided, however*, That the prohibition of this section shall not apply to prevent the importation of such property (a) for the purpose of reconditioning for re-export, or (b) by a veteran (or a member of the armed forces) upon certification by him that the importation is being made for his personal use, or (c) if sold primarily for and imported for use as scrap metal and the importer furnishes an undertaking in a form and an amount to be prescribed by the Treasury Department to insure that none of the property will be diverted from use as scrap metal; *Provided further*, That for the purpose of this section, foreign areas shall not include Guam or other Pacific insular possessions. Nothing in this section shall prevent surplus property which is owned by a Government agency from being brought into the continental United States, its territories or possessions. (58 Stat. 765, 59 Stat. 533, Pub. Law 375, 79th Cong., 60 Stat. 168, Pub. Law 584, 79th Cong., 60 Stat. 754; 50 U. S. C. App. Supp. 1611-46)

This regulation shall become effective immediately upon publication in the FEDERAL REGISTER.

Approved: February 5, 1948.

G. C. MARSHALL, *Secretary of State.*

[F. R. Doc. 48-1256; Filed, Feb. 10, 1948; 8:57 a. m.]

[1] The Secretary of State upon the request of the Office of the President has exempted from the prohibition of this section certain property found by the Office of the President to be needed for reconversion in the United States. The items presently exempted are listed in Schedule A of Order 6 under this part, December 30, 1947 (12 F. R. 8868).

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

MIAMI RIVER, FLORIDA

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.448 is hereby prescribed to govern the operation of all highway bridges crossing Miami River from its mouth to and including the bridge at Northwest Fifth Street, Miami, Florida. In view of the serious vehicular traffic congestion now occurring during the morning and afternoon rush hours and the importance of relieving such congestion at the earliest practicable date, these regulations shall be in full force and effect ten days after their publication in the FEDERAL REGISTER.

§ 203.448 *Miami River, Fla.; highway bridges from mouth to and including City of Miami bridge at Northwest Fifth Street, Miami.* (a) Except as otherwise provided in paragraphs (b), (c), and (d) of this section, the owners of or agencies controlling these bridges shall not be required to open the drawspans for the passage of vessels from 8:00 a. m. to 9:00 a. m. and from 5:00 p. m. to 6:30 p. m. on all days other than Sundays and legal holidays.

(b) This section shall not apply to vessels owned or operated by the United States. All such vessels shall be passed without delay through the draw of any bridge at any time on giving the usual signal.

(c) During the existence of a hurricane alert duly issued by the United States Weather Bureau affecting the Miami area, all of the bridges shall be opened for the passage of vessels giving the usual signal at any time.

(d) The draw of any bridge shall be opened at any time for the passage of

a vessel in an emergency involving danger to life or property. Such an emergency shall be indicated by four blasts of a whistle, horn, or megaphone.

(e) The owners of or agencies controlling the bridges shall keep a copy of these regulations conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can be easily read at any time.

(f) This section shall remain in full force and effect until revoked or modified by the Secretary of the Army. [Regs. Jan. 31, 1948, CE 823 (Miami River, Fla.)—ENGWR] (28 Stat. 362; 33 U. S. C. 499)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 48-1311; Filed, Feb. 10, 1948; 10:41 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 442]

CALIFORNIA

REVOKING IN PART PUBLIC LAND ORDER NO. 125 OF MAY 20, 1943, WITHDRAWING PUBLIC LANDS FOR USE OF WAR DEPARTMENT AS BOMBING TARGET SITES

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, (3 CFR, Cum. Supp.), it is ordered as follows:

Public Land Order No. 125 of May 20, 1943, withdrawing public lands for the use of the War Department as bombing target sites, is hereby revoked so far as it affects the hereinafter-described public lands.

The jurisdiction over and use of such lands granted to the War Department by Public Land Order No. 125 shall cease upon the date of the signing of this order. Thereupon, the jurisdiction over and administration of such lands shall be vested in the Department of the Interior and any other Department or agency of the Federal Government according to their respective interests then of record.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on April 2, 1948. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from April 2, 1948, to July 2, 1948, inclusive, the surveyed public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. Sup. 279-283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from March 13, 1948, to April 2, 1948, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on April 2, 1948, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on July 5, 1948, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from June 16, 1948, to July 5, 1948, inclusive, and all such applications, together with those presented at 10:00 a. m. on July 5, 1948, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Los Angeles, California, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office, Los Angeles, California.

The lands affected by this order are described as follows:

SAN BERNARDINO MERIDIAN

T. 4 N., R. 1 E.,
Sec. 21, E½;
Sec. 22, W½.
T. 5 N., R. 2 E.,
Sec. 2, lot 4, SW¼NW¼;
Sec. 3, lots 1, 2, 8, S½NE¼, SE¼NW¼.
T. 6 N., R. 2 E.,
Sec. 34, E½SW¼, SE¼;
Sec. 35, W½SW¼.
T. 4 N., R. 5 E.,
Sec. 30, S½, unsurveyed.
Sec. 31, N½, unsurveyed.

The area described aggregates approximately 1987 acres.

The lands are in San Bernardino county and are of typical desert, rolling to mountainous topography.

MASTIN G. WHITE,
Acting Assistant Secretary of the Interior.

JANUARY 30, 1948.

[F. R. Doc. 48-1212; Filed, Feb. 10, 1948; 8:48 a. m.]

[Public Land Order 443]

COLORADO

WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF ARMY FOR FLOOD CONTROL PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943 (3 CFR Cum. Supp.), it is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, for use in connection with the construction of the John Martin Dam and Reservoir Project under the supervision of the Department of the Army as authorized by the act of June 22, 1936 (49 Stat. 1570, 1577):

SIXTH PRINCIPAL MERIDIAN

T. 23 S., R. 49 W.,
Sec. 5, lots 9 and 10;
Sec. 7, lot 5;
Sec. 8, lot 3.
T. 23 S., R. 50 W.,
Sec. 19, SW¼SE¼.
T. 23 S., R. 51 W.,
Sec. 2, lot 4;
Sec. 3, lots 3 and 5.

The areas described aggregate 172.05 acres.

This order shall take precedence over but not modify the withdrawal made by Executive Order No. 6910 of November 26, 1934, as amended.

It is intended that the public lands described herein shall be returned to the administration of the Department of the Interior when they are no longer needed for the purpose for which they are withdrawn.

MASTIN G. WHITE,
Acting Assistant Secretary of the Interior.

JANUARY 30, 1948.

[F. R. Doc. 48-1213; Filed, Feb. 10, 1948; 8:48 a. m.]

[Public Land Order 444]

FLORIDA

REVOKING EXECUTIVE ORDER NO. 4127 OF JANUARY 14, 1925

By virtue of the authority contained in section 1 of the act of June 25, 1910, c. 421, 36 Stat. 847 (43 U. S. C. 141), and pursuant to Executive Order No. 9337

of April 24, 1943 (3 CFR, Cum. Supp.), it is ordered as follows:

Executive Order No. 4127 of January 14, 1925, temporarily withdrawing the following-described lands in the State of Florida for classification and pending enactment of legislation for their proper disposition, is hereby revoked:

TALLAHASSEE MERIDIAN

T. 22 S., R. 17 E.,
Sec. 13, SE¼NE¼ and SE¼SE¼.
T. 22 S., R. 18 E.,
Sec. 18, NW¼NW¼.

The areas described aggregate 119.66 acres.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on April 2, 1948. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from April 2, 1948, to July 2, 1948, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. Sup. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. Sup. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from March 13, 1948, to April 2, 1948, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on April 2, 1948, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on July 5, 1948, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from June 16, 1948, to July 5, 1948, inclusive, and all such applications, together with those presented at 10:00 a. m. on July 5, 1948, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Bureau of Land Management, Washington, D. C., shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the small tract act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to the Bureau of Land Management, Washington, D. C.

These lands are low, level to undulating in topography, and have sandy soils supporting varying growths of oak and pine timber. Much of the area is under the waters of Tooke Lake.

MASTIN G. WHITE,
Acting Assistant Secretary of the Interior.

JANUARY 30, 1948.

[F. R. Doc. 48–1215; Filed, Feb. 10, 1948; 8:49 a. m.]

[Public Land Order 445]

ALASKA

REVOKING IN PART EXECUTIVE ORDER NO. 8877 OF AUGUST 29, 1941, WITHDRAWING PUBLIC LANDS FOR USE OF WAR DEPARTMENT FOR MILITARY PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943 (3 CFR, Cum. Supp.), it is ordered as follows:

Executive Order No. 8877 of August 29, 1941 (3 CFR, Supps.), as amended by Executive Order No. 9526 of February 28, 1945, withdrawing public lands and water areas below mean high tide for the use of the War Department for military purposes, is hereby revoked so far as it affects the public lands and water areas in the hereinafter-described areas.

The jurisdiction over and use of such lands and water areas granted to the War Department by Executive Order No. 8877 shall cease upon the date of the signing of this order. Thereupon, the jurisdiction over and administration of such lands and water areas shall be vested in the Department of the Interior and any other department or agency of the Federal Government according to their respective interests then of record.

This order shall not otherwise become effective to change the status of such areas until 10:00 a. m. on April 6, 1948. At that time the lands, which are all unsurveyed, shall, subject to valid existing rights and the provisions of existing withdrawals, be opened to settlement under the homestead laws only, and to that form of appropriation only by qualified veterans of World War II for whose service recognition is granted by the Act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), as amended, subject to the requirements of the homestead laws, and commencing at 10 a. m. on July 6, 1948, any of such lands not settled upon by veterans shall become subject to settlement and other forms of appropriation by the public generally in accordance with the appropriate laws and regulations.

The areas affected by this order are the public lands and the water areas below mean high tide, in the following described areas:

VICINITY OF SITKA

(2) Long Island Area

All of Long Island and the small islands and rocks adjacent thereto, lying between 56°59'40" and 57°00'06" north latitudes and 135°19'50" and 135°21'49" west longitudes, as shown on United States Coast and Geodetic Survey Chart No. 8255, April 1940.

The area described aggregates 110 acres.

(3) Cape Burunof Area

All of Cape Burunof and the small islands and rocks adjacent thereto, lying between 56°58'33" and 56°59'25" north latitudes and 135°21'30" and 135°23'30" west longitudes, as shown on United States Coast and Geodetic Survey Chart No. 8255, April 1940.

The area described aggregates 140 acres.

(4) Peisar Island Area

All of Peisar Island and the small islands and rocks adjacent thereto, lying between 56°52'40" and 56°53'50" north latitudes and 135°25'30" and 135°27'30" west longitudes, as shown on United States Coast and Geodetic Survey Chart No. 8255, April 1940.

The area described aggregates 200 acres.

(5) Legma Island Area

All of Legma Island and the small islands and rocks adjacent thereto, lying between 56°48'35" and 56°50'10" north latitudes and 135°26'15" and 135°27'36" west longitudes, as shown on United States Coast and Geodetic Survey Chart No. 8255, April 1940.

The area described aggregates 410 acres.

(6) Shoals Point Area

All of the Shoals Point area described in Executive Order No. 8877, of August 29, 1941, except 535 acres described as follows:

That part south and east of a line drawn N. 43° E. from a point on the south shore of Shoals Point in latitude 57°00'57" N., longitude 135°40'00" W.

The area affected by this order contains 3,535 acres.

(7) Cape Edgecumbe—Sitka Point, Kruzof Island Area

Beginning at a point on line of mean high tide on the north side of Sitka Sound, 56°59'47" north latitude 135°48'00" west longitude, as shown on United States Coast and Geodetic Survey Chart No. 8256, March 1931.

From the point of beginning, by metes and bounds,

North, 10,560 feet, to a point;
West, 9,866 feet, to a point on line of mean high tide on the west side of Kruzof Island;
Southeasterly, with meanders around Engano Point, Cape Edgecumbe, Trubitsin Point and Sitka Point to the point of beginning.

The area described aggregates 2,600 acres.

(8) Beaver Point, Kruzof Island Area

Beginning at a point on line of mean high tide on the west side of Kruzof Island, 57°04'45" north latitude 135°50'48" west longitude, as shown on United States Coast

and Geodetic Survey Chart No. 8256, March 1931.

From the point of beginning, by metes and bounds,

East, 4,833 feet, to a point;
North, 5,333 feet, to line of mean high tide on the west shore of Kruzof Island;
Southwesterly, with meanders around Beaver Point, to the place of beginning.

The area described aggregates 370 acres.

VICINITY OF SEWARD

(3) Renard Island Area

All of Renard Island and rocks adjacent thereto, lying between 59°53'38" and 59°56'36" north latitudes, and 149°18'48" and 149°22'15" west longitudes, as shown on United States Coast and Geodetic Survey Chart No. 8529, June 1940.

The area described aggregates 1,510 acres.

(4) Hive Island Area

All of Hive Island and rocks adjacent thereto, lying between 59°52'31" and 59°53'16" north latitudes and 149°22'06" and 149°23'24" west longitudes, as shown on United States Coast and Geodetic Survey Chart No. 8529, June 1940.

The area described aggregates 225 acres.

(6) Cheval Island Area

All of Cheval Island and rocks adjacent thereto, lying between 59°45'42" and 59°46'56" north latitudes and 149°30'24" and 149°31'48" west longitudes, as shown on United States Coast and Geodetic Survey Chart No. 8529, June 1940.

The area described aggregates 330 acres.

(7) Barwell Island Area

All of Barwell Island and rocks adjacent thereto, lying between 59°51'18" and 59°51'36" north latitudes and 149°17'00" and 149°17'24" west longitudes, as shown on United States Coast and Geodetic Survey Chart No. 8529, June 1940.

The area described aggregates 36 acres.

Portions of Hive Island and Barwell Island are affected by Executive Order No. 3406 of February 13, 1921, reserving 168 parcels of land in Alaska for lighthouse purposes.

MASTIN G. WHITE,
Acting Assistant Secretary of the Interior.

FEBRUARY 3, 1948.

[F. R. Doc. 48-1210; Filed, Feb. 10, 1948; 8:48 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

Subchapter E—Load Lines

[CGFR 48-2]

CONTROL OF MERCHANT VESSELS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in me by section 101 of the Reorganization Plan No. 3 of 1946, 11 F. R. 7875, as well as the statutes cited with the regulations below, the following amendments to the regulations are prescribed, which shall become effective on and after March 1, 1948:

PART 43—FOREIGN OR COASTWISE VOYAGE

ADMINISTRATION

Section 43.021 (46 CFR, Supps.) is amended to read as follows:

§ 43.021 *Control.* (a) The Collector of Customs may detain a vessel for survey if he has reason to believe that the vessel is proceeding on her journey in excess of the draft allowed by the regulations in this part as indicated by the vessel's load line certificate, or otherwise. Immediately upon ordering a vessel detained, the Collector of Customs shall inform the Coast Guard District Commander thereof, who shall thereupon advise the collector whether or not he deems that the vessel may proceed to sea with safety. The Coast Guard District Commander may detain a vessel if it is so loaded as to be manifestly unsafe to proceed to sea, without advice thereof from the Collector of Customs. However, in such case, immediate notice of such detention shall be furnished the Collector of Customs so that clearance may be withheld.

(b) In the case of detention of a vessel, which shall be by written order, the detaining officer will immediately arrange for a survey in the manner prescribed by sections 7 of the Load Line Act of March 2, 1929 (45 Stat. 1494; 46 U. S. C. 85f), and of the Coastwise Load Line Act, 1935 (49 Stat. 889; 46 U. S. C. 88f). In the case of such a survey, the detaining officer shall appoint three disinterested surveyors and, where practicable, one of them shall be from the Surveying Staff of the American Bureau of Shipping. Where such surveyors are appointed by the Collector of Customs, such appointments shall be with the approval of the Coast Guard District Commander. Whenever a vessel is detained the master may, within five days, appeal to the Commandant, U. S. Coast Guard, who may, if he desires, order a further survey and may affirm, set aside, or modify the order of the detaining officer.

(c) Where a foreign vessel is detained or any action is taken which would appear likely to result in legal proceedings being taken against such a vessel, the consul of the country to which the vessel belongs shall be informed as soon as possible of the circumstances of the case.

(d) Pursuant to the provisions of sections 5 of the Load Line Act of March 2, 1929 (45 Stat. 1493; 46 U. S. C. 85d), and the Coastwise Load Line Act, 1935 (49 Stat. 889; 46 U. S. C. 88d), as amended, it is hereby certified that a vessel of a foreign country which has ratified the International Load Line Convention, 1930, shall be deemed a vessel of a foreign country as described in sections 5 of the cited acts, and such a vessel shall be exempt from the provisions of the regulations in this part insofar as the marketing of the load lines and the certificating thereof are concerned, only so long as such country similarly recognizes the load lines established by the regulations in this part, for the purpose of a voyage by sea: *Provided*, That the vessel is marked with load lines and has on board a valid load line certificate certifying to the correctness of the mark, the vessel shall not be loaded beyond the limits allowed by the certificate, the position of the load line of the vessel shall correspond with the certificate, the hull and superstructure shall not have been so materially altered as to affect the calculations on which the load line was based, and alterations have not been made so that the protection of openings, guard rails, freeing ports, and means of access to crew's quarters, have made the vessel manifestly unfit to proceed to sea without danger to human life. (Sec. 2, 45 Stat. 1493, and sec. 2, 49 Stat. 888; 46 U. S. C. 85a, 88a)

PART 45—MERCHANT VESSELS WHEN ENGAGED IN A VOYAGE ON THE GREAT LAKES

ADMINISTRATION

Section 45.018 (46 CFR, Supps.) is amended to read as follows:

§ 45.018 *Control.* (a) The Collector of Customs may detain a vessel for survey if he has reason to believe that the vessel is proceeding on her journey in excess of the draft allowed by the regulations in this part as indicated by the vessel's load line certificate, or otherwise. Immediately upon ordering a vessel detained, the Collector of Customs shall inform the Coast Guard District Commander thereof, who shall thereupon advise the collector whether or not he deems that the vessel may proceed to sea with safety. The Coast Guard District Commander may detain a vessel if it is so loaded as to be manifestly unsafe to proceed to sea, without advice thereof from the Collector of Customs. However, in such case, immediate notice of such detention shall be furnished the Collector of Customs so that clearance may be withheld.

(b) In the case of detention of a vessel, which shall be by written order, the detaining officer will immediately arrange for a survey in the manner prescribed by section 7 of the Coastwise Load Line Act, 1935 (49 Stat. 889; 46 U. S. C. 88f). In the case of such a survey, the detaining officer shall appoint three disinterested surveyors and, where practicable, one of them shall be from the Surveying Staff of the American Bureau of Shipping. Where such surveyors are appointed by the Collector of Customs, such appointments shall be with the approval of the Coast Guard District Commander. Whenever a vessel is detained the master may, within five days, appeal to the Commandant, U. S. Coast Guard, who may, if he desires, order a further survey and may affirm, set aside, or modify the order of the detaining officer.

(c) Where a foreign vessel is detained or any action is taken which would appear likely to result in legal proceedings being taken against such a vessel, the consul of the country to which the vessel belongs shall be informed as soon as possible of the circumstances of the case.

(d) Pursuant to the provisions of section 5 of the Coastwise Load Line Act, 1935 (49 Stat. 889; 46 U. S. C. 88d), as amended, it is hereby certified that a vessel of a foreign country which has ratified the International Load Line Convention, 1930, shall be deemed a vessel of a foreign country as described in sec-

tion 5 of the cited act, and such a vessel shall be exempt from the provisions of the regulations in this part insofar as the marking of the load lines and the certificating thereof are concerned, only so long as such country similarly recognizes the load lines established by the regulations in this part, for the purpose of a voyage by sea: *Provided*, That the vessel is marked with load lines and has on board a valid load line certificate certifying to the correctness of the mark, the vessel shall not be loaded beyond the limits allowed by the certificate, the position of the load line of the vessel shall correspond with the certificate, the hull and superstructure shall not have been so materially altered as to affect the calculations on which the load line was based, and alterations have not been made so that the protection of openings, guard rails, freeing ports, and means of access to crew's quarters, have made the vessel manifestly unfit to proceed to sea without danger to human life. (Sec. 2, 49 Stat. 888; 46 U. S. C. 88a)

PART 46—SUBDIVISION LOAD LINES FOR PASSENGER VESSELS

ADMINISTRATION

Section 46.022 (46 CFR, Supps.) is amended to read as follows:

§ 46.022 *Control.* (a) The duties and responsibilities of the Collector of Customs or the Coast Guard District Commander in respect to the load lines certified on the safety certificates of, and marked on passenger vessels engaged on foreign voyages by sea shall be the same as stated in § 43.021 of this subchapter.

(b) The duties and responsibilities of the Collector of Customs or the Coast Guard District Commander in respect to passenger vessels engaged in coastwise voyages by sea or voyages on the Great Lakes are as defined by § 43.021 or § 45.018 of this subchapter, as applicable. (Sec. 2, 45 Stat. 1493 and sec. 2, 49 Stat. 888; 46 U. S. C. 85a, 88a)

Dated: February 4, 1948.

[SEAL] J. F. FARLEY,
Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 48-1233; Filed, Feb. 10, 1948; 8:53 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 8659]

PART 18—INDUSTRIAL, SCIENTIFIC AND MEDICAL SERVICE

OPERATION WITHIN ASSIGNED FREQUENCY BANDS

In the matter of amendments to §§ 18.11 (a) and 18.21 (a) (12 F. R. 3410, 3411) of Part 18 of the Commission's rules and regulations relating to Industrial, Scientific and Medical Services.

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of February 1948;

The Commission having under consideration a proposal to amend §§ 18.11 (a) and 18.21 (a) of its rules and regulations by allocating new frequency bands to the Industrial, Scientific and Medical Services in accordance with provisions of the recent Radio Administrative Conference held at Atlantic City; and

It appearing, that general notice of proposed rule making with respect thereto was published in the FEDERAL REGISTER on December 11, 1947, and that all interested parties were afforded an opportunity to present written comments, briefs and requests for oral argument pursuant to the provisions of section 4 of the Administrative Procedure Act; and

It further appearing, that no written comments, briefs, or requests for oral argument have been received by the Commission; and

It further appearing, that the adoption at this time of certain proposed amendments contained in the said notice of proposed rule making will permit the United States to comply with the terms of the Atlantic City Radio Regulations agreed upon by 78 nations at the abovementioned Conference at Atlantic City, which regulations have been adopted to permit international cooperation in the field of communications; and

It further appearing, that compliance with the said Atlantic City Radio Regulations and in particular with the table of frequency allocations therein cannot be achieved if harmful interference to authorized services operating on frequencies other than those specifically allocated for Industrial, Scientific and Medical purposes is caused by such devices; and

It further appearing, that the provisions of §§ 18.17, 18.24 and 18.51 of said rules require elimination of such interference, and in any event abandonment by July 1, 1952, of frequencies other than those specifically allocated for such devices; and

It further appearing, that because of existing allocations of bands of frequencies to the several government and non-government services and outstanding frequency assignments therein, band widths at 27.120 and 40.680 Mc are limited to 320 and 40 kc respectively:

It is ordered, That §§ 18.11 (a) and 18.21 (a) are amended to read as follows, effective March 16, 1948:

§ 18.11 *Operation within assigned frequency bands.* * * *

(a) Such operation must conform to the general conditions of operation set out in the guarantee or certificate required by paragraphs (c) and (d) of this section. Operation must be confined to one or more of the bands of frequencies hereafter set forth:

Assigned band [1]	Center frequency of channel	Tolerance from center frequency
13,553.22-13,566.78 kc	13,560 kc	±6.78 kc
26,960.00-27,280.00 kc	27,120 kc	±160.00 kc
40,660.00-40,700.00 kc	40,680 kc	±20.00 kc

[1] By public notice and order dated Dec. 26, 1946, the Commission also announced the availability of the frequency 2450 Mc±50 Mc as being available for industrial, scientific and medical purposes. It was expressly stated in the said public notice and order that such use of the frequency 2450 Mc would be governed by the conditions set forth in that order and set out as Appendix A thereto rather than Part 18 of the Commission's rules.

The operation of any medical diathermy equipment or device on frequencies other than those listed hereinabove shall be discontinued after the effective date of the Atlantic City radio regulations if interference be caused to any authorized services. However, in any event, operation of such devices on frequencies other than those listed above shall be discontinued after June 30, 1952, except as provided by § 18.12.

§ 18.21 *Operation within assigned frequencies.* * * *

(a) In accordance with the general conditions of operation set out in the certification required by paragraph (c) of this section, such operation shall be confined to one or more of the following bands of frequencies:

Assigned band [1]	Center frequency of channel	Tolerance from center frequency
13,553.22-13,566.78 kc	13,560 kc	±6.78 kc
26,960.00-27,280.00 kc	27,120 kc	±160.00 kc
40,660.00-40,700.00 kc	40,680 kc	±20.00 kc

[1] By public notice and order dated Dec. 26, 1946, the Commission also announced the availability of the frequency 2450 Mc±50 Mc as being available for industrial, scientific and medical purposes. It was expressly stated in the said public notice and order that such use of the frequency 2450 Mc would be governed by the conditions set forth in that order and set out as Appendix A thereto rather than Part 18 of the Commission's rules.

The operation of any industrial heating equipment or device on frequencies other than those listed hereinabove shall be discontinued after the effective date of the Atlantic City radio regulations if interference be caused to any authorized services. However, in any event, operation of such devices on frequencies other than those listed above shall be discontinued after June 30, 1952, except as provided by § 18.22.

(Secs. 4 (i) 301, 303, 48 Stat. 1066, 1081, 1082; 47 U. S. C. 154 (i), 301, 303)

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-1235; Filed, Feb. 10, 1948; 8:54 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF COMMERCE

Administrator of Civil Aeronautics

[14 CFR, Part 525]

NOTICE OF CONSTRUCTION OR ALTERATION

NOTICE OF PROPOSED RULE MAKING

Pursuant to the authority vested in me by the Civil Aeronautics Act of 1938, as amended, particularly sections 308 and 1101 of said act, notice is hereby given of a proposed revision of Part 525 of the Regulations of the Administrator of Civil Aeronautics.

Due to the greatly increased number of civil airways established within the United States, and authorized off-airways operations for both visual and instrument weather conditions, the Administrator finds that it is necessary in the interest of safety in air commerce to inform airmen of the construction or alteration of certain structures which may, by reason of their height and distance from a landing area, become a hazard to air navigation, regardless of whether such landing areas are located along or near a civil airway. Accordingly, the proposed regulations will require notice to be given to the Administrator of Civil Aeronautics of the construction or alteration of any structure the top or any part of which, by reason of such construction or alteration, exceeds in actual height the approximate ratio of 1:100 from the nearest boundary of a landing area. Elsewhere, with certain exceptions, notice will be required only for those structures which exceed a height of 150 feet and are located along or near a civil airway. Other changes incorporated in the proposed revision of this part include the listing of landing areas in the CAA Flight Information Manual, in lieu of a separate yearly publication by the Administration on November 1 of each calendar year, and notification of any change in the data respecting the alteration or construction which has been submitted to the Administrator in the prescribed form of notice. No change is made in the requirement for notice of the construction of a landing area.

All interested persons who desire to submit comments and suggestions for consideration of the Administrator in connection with the proposed amendment shall forward the same to the General Counsel, Civil Aeronautics Administration, Washington 25, D. C., not later than the 15th day after publication of this notice in the FEDERAL REGISTER.

PART 525—NOTICE OF CONSTRUCTION OR ALTERATION

§ 525.0 *Scope.*

§ 525.01 *Structures.* Any person engaging in the construction or alteration of the following structures, in other than congested parts of cities, towns, or settlements, shall give notice thereof to the Administrator of Civil Aeronautics:

(a) Any structure along, or within 20 miles of, a civil airway, the top or any part of which is, or may become, by reason of such construction or alteration, greater than 150 feet above ground level or above mean water level where the structure is, or will be, situated in or over navigable water.

(b) Any structure within 15,000 feet of the nearest boundary of a landing area, the top or any part of which is, or may become, by reason of such construction or alteration, greater than 5 feet above ground level, or above the mean water level (where the structure is, or will be, situated in or over navigable water), for each 500 feet or fraction thereof, of the distance that such structure is, or will be, situated from the nearest boundary of a landing area.

§ 525.02 *Landing areas.* Any person engaging in the construction of a landing area any boundary of which will be within 5 miles of the nearest boundary of an existing landing area, shall give notice thereof to the Administrator of Civil Aeronautics.

§ 525.1 *Form of notice.* (a) The notice of construction or alteration shall be submitted in triplicate on the form prescribed and furnished by the Administrator at least 30 days, but not more than 60 days, prior to the date on which such construction or alteration is to begin: *Provided,* That in case of an emergency requiring immediate construction or alteration, such notice shall be given to the nearest representative of the Administrator in person, by telephone, telegraph, or other expeditious means, and the executed form shall be submitted within 5 days thereafter.

(b) The Administrator shall likewise be notified of any change in the date upon which the construction or alteration is to begin, or other data contained in the form of notice prescribed in paragraph (a) of this section.[1]

§ 525.2 *Definitions.* As used in this part:

(a) "Congested parts of cities, towns or settlements" means (1) sections of those cities, towns or settlements which have a population of less than 100,000, where a structure after construction or alteration will be shielded by existing structures of a permanent and substantial character, each of which is equal to or greater than the height of the completed structure, and (2) sections of those cities which have a population of more than 100,000, where it is evident beyond all reasonable doubt that a structure will not interfere with safety in air commerce, whether or not the structure is, or will become, by reason of the construction or alteration, greater in height than that of surrounding structures of a permanent and substantial character.

(b) "Landing area" means any locality of land or water, including airports and intermediate landing fields, which is located in the United States and is used, or intended to be used, for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo: *Provided,* That this regulation shall not apply to any landing area which is not listed in the Civil Aeronautics Flight Information Manual.[2]

(c) "Boundary of a landing area" means (1) the limits of that part of a landing area maintained for the use of land aircraft in taking off or landing, or (2) the limits of that part of a landing area suitable for water aircraft in taking off or landing, which limits are defined as being 5,000 feet in all directions measured over open water from the principal ramp of the landing area or, if marked in accordance with standard practice, the limits so marked.

(d) "Structure," unless otherwise stated, means any form of construction of a permanent or temporary character, including any apparatus used in the construction, alteration, or repair of any such structure.

(e) "Alteration" means any change in a completed structure which (1) increases the height of the top or any part of the structure to, or above, the height specified in § 525.01, or (2) increases or decreases the height of the top or any part of the structure which is above the height specified in § 525.01.

§ 525.3 *Effective date.* It is proposed that this amendment shall become effective March 15, 1948, except that, with respect to the construction or alteration of structures or landing areas already in progress on that date, and for which notice was not previously required by this part, the prescribed notice shall not be required until March 31, 1948.

(Secs. 308, 1101, 52 Stat. 986, 1026, 54 Stat. 1233; 49 U. S. C. 458; 5 F. R. 2107)

T. P. WRIGHT,
Administrator of Civil Aeronautics.

[F. R. Doc. 48–1224; Filed, Feb. 10, 1948; 8:53 a. m.]

[1] This notice may be submitted on a form prescribed by the Administrator, or by letter, telephone, or telegraph to the Civil Aeronautics Administration, Washington 25, D. C., or to the nearest regional or district office of the Civil Aeronautics Administration.

[2] A current list of all landing areas within the United States will be published by the Administrator in the CAA Flight Information Manual, for sale by the Superintendent of Documents, United States Government Printing Office, Washington 25, D. C. A list of the landing areas may also be obtained upon request made to the nearest regional office of the Civil Aeronautics Administration.

SECURITIES AND EXCHANGE COMMISSION

[17 CFR, Part 240]

EXEMPTION OF LONG-TERM PROFITS

NOTICE OF PROPOSED RULE

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt an exemptive rule pursuant to authority vested in it by the Securities Exchange Act of 1934, particularly sections 3 (a) (12),

16 (b), and 23 (a) thereof, limiting the profits which may be recovered by a corporation, or by a stockholder suing in behalf of a corporation under section 16 (b) of the Securities Exchange Act.

Section 16 (b) provides that any profit realized by a beneficial owner of more than ten percent of any class of equity security registered on a national securities exchange, or by a director or officer of the issuer of such a security, as a result of any purchase and sale (or sale and purchase) of any equity security of such issuer within a period of less than six months shall inure to the corporation. In Park & Tilford v. Schulte, 160 F. 2d 984 (C. C. A. 2, 1947) it was held that there is a "purchase" within the meaning of this section when an option to convert one class of security into another is exercised. On the same principle, when an option, a warrant, or a similar right to acquire a security is exercised and the security is sold within the six month period there is a purchase and sale within the meaning of section 16 (b).

The cost of a security acquired through the exercise of an option would be the price paid for the option or warrant plus the exercise price under the option or warrant. See Helvering v. San Joaquin Fruit & Investment Co., 297 U. S. 496. Accordingly, the profit which inures to the corporation would be the difference between this cost and the sale price even though the fluctuations in the price of the security which brought about the profit may have occurred while the option or warrant was held by the insider at a time more than six months distant from the sale.

To a substantial extent we believe that recovery by the corporation of insider profits so computed is not only "comprehended within the purpose of" section 16 (b), but essential to prevent its evasion in view of the historic use of the option device in connection with manipulations. Adopting a possible alternative theory of treating the cost of the security sold as the value of the option on the date of exercise plus the exercise price would permit the insider holding an option to profit, with a minimum of risk, through a temporary rise of the market, possibly resulting from inadequate disclosures or other manipulative activity. On the other hand, it may not be "comprehended within the purpose of" section 16 (b) to require the insider to account to his corporation for all profit realized upon a sale within six months of the exercise of the option where part of the profit is attributable to a long term increase in the value of the optioned security, and indirectly in the option itself, which occurred more than six months prior to the sale.

Inasmuch as the Commission is authorized by rules and regulations to exempt any transaction or transactions from section 16 (b) "as not comprehended within the purpose of this subsection," the proposed rule is designed to afford exemption to such profits incident to option transactions as may be fairly attributable to long-term rather than six-month fluctuations in the security subject to the option.

This is accomplished by limiting the profit which must be surrendered by the insider to the difference between the proceeds realized on the sale and the lowest market price of the security during the short-term period or the actual cost, whichever is the higher. This allows the insider to treat the security as having been bought at the low point of the period if the market price at that time is greater than the sum of the cost of the option and the exercise price. When the option is exercised prior to the sale, the short-term period used as a reference point in determining the amount of exemption is the six months' period prior to the sale. When the option is exercised after the sale (assuming a long position by the insider) the short-term period is that between a date six months prior to the sale and the date of the exercise of the option. Short sales, and such other transactions as are made unlawful by section 16 (c) are not included within the scope of the proposed exemption.

Reference to a hypothetical case will illustrate how the proposed exemption would operate. If an option acquired for $1 in 1940 to purchase a security at its then market price of $10 per share is exercised in January 1947, and the security so acquired is sold in May 1947 at the then market price of $50 the entire realized profit of $39 per share would be within the reach of the statute. Under the proposed rule, however, the amount, if any which inures to the corporation would be subject to reduction by reference to the market price of the security for the six months' period prior to the sale. If the lowest market price in that period was the sale price of $50 per share, the entire $39 profit would be within the exemption and consequently none of it would inure to the corporation. If, on the other hand, the lowest market price for the security during the six months preceding the sale were $11 per share, the entire $39 of the insider's profit would inure to the corporation. If the lowest market price for the six months' period was anywhere between $11 and $50 per share, an allocation would be necessary. For example, if it were $30 per share the $20 profit attributable to the six months' period would inure to the corporation, whereas the $19 increment in value accrued prior thereto would be retainable by the insider.

If, in the hypothetical case, still assuming a sale in May 1947, the option was not exercised until September 1947, and between May and September and thus for the period from November 1946 to September 1947, the lowest market price was $25 per share, $25 would inure to the corporation and the other $14 of the profit would be retained by the insider. It is assumed that the sale by the insider operated to reduce or liquidate a long position and did not violate section 16 (c). If there is a violation of section 16 (c) in the course of these transactions the entire $39 would inure to the corporation.

Attention is directed to the circumstance that the proposed rule would be made retroactive so as to apply in instances where the transaction or transactions thereby exempted have already occurred. It is recognized that a separate question is presented with respect to the appropriateness of the exemption as applied to future transactions and as applied to transactions which may have already occurred.

The proposed rule (Rule X-16B-5) would provide substantially as follows:

§ 240.16b-5 *Exemption of long term profits.* (a) To the extent specified in paragraph (b) of this section the Commission hereby exempts as not comprehended within the purposes of section 16 (b) of the act any transaction or transactions involving the purchase and subsequent sale of any equity security where such purchase is pursuant to the exercise of an option or similar right acquired more than six months before its exercise.

(b) In respect of transactions specified in paragraph (a) of this section the profits inuring to the corporation shall be limited in maximum amount to the difference between the sale price of the security and the higher of either (1) the lowest market price attained by the security in the six months prior to the date when the sale took place, or (2) the sum of the cost of such option or similar right and the exercise price.

(c) To the extent specified in paragraph (d) of this section the Commission hereby exempts as not comprehended within the purposes of section 16 (b) of the Act any transaction or transactions involving the sale and subsequent purchase of any equity security where such purchase is pursuant to the exercise of an option or similar right acquired more than six months prior to the sale.

(d) In respect of transactions specified in paragraph (c) of this section the profits inuring to the corporation shall be limited in maximum amount to the difference between the sale price of the security and the higher of either (1) the lowest market price attained by the security in the period commencing six months prior to the date when the sale took place and ending with the date of purchase, or (2) the sum of the cost of such option or similar right and the exercise price.

(e) The exemptions provided by this section shall not apply to any transaction made unlawful by section 16 (c) of the act or by any rules and regulations thereunder.

(f) The burden of establishing the lowest market price of the security traded for the purposes of this section shall rest upon the person claiming the exemption.

(g) The exemption granted pursuant to this section shall apply whether the transactions in question took place before or after the date of promulgation of this section.

All interested persons are invited to submit their views and comments on the proposed rule in writing to the Securities and Exchange Commission at its principal office, 425 Second St. N. W., Washington 25, D. C., on or before March 8, 1948. If it appears appropriate in the public interest, hearings will be held upon the issues which may be involved at a date to be fixed.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

FEBRUARY 5, 1948.

[F. R. Doc. 48-1221; Filed, Feb. 10, 1948; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[1437086]

CALIFORNIA

NOTICE OF FILING OF PLATS OF SURVEY ACCEPTED OCTOBER 5, 1945

FEBRUARY 4, 1948.

Notice is given that the plat of survey of T. 9 N., R. 23 E., M. D. M., including lands hereinafter described will be officially filed in the District Land Office, Sacramento, California, effective at 10:00 a. m. on April 7, 1948. At that time the lands hereinafter described shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from April 7, 1948 to July 6, 1948, inclusive, the public lands affected by this notice shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. Sup. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from March 18, 1948, to April 7, 1948, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on April 7, 1948, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on July 7, 1948, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from June 17, 1948, to July 7, 1948, inclusive, and all such applications, together with those presented at 10:00 a. m. on July 7, 1948, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications of duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Sacramento, California, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Part 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Acting Manager, District Land Office, Sacramento, California.

The lands affected by this notice are described as follows:

MOUNT DIABLO MERIDIAN

T. 9 N., R. 23 E.,
Sec. 22, lots 6, 7, 14;
Sec. 23, lot 1;
Sec. 25, lot 1;
Sec. 26, lots 8, 12, 13, 21;
Sec. 27, lot 2;
Sec. 35, lot 2;
Sec. 36, lots 5, 8, 9, 12.

The area described aggregates 224.91 acres. These lands are mountainous in character.

The lands described in secs. 22, 26, 27, 35 and 36, T. 9 N., R. 23 E., are within the limits of the Toiyabe National Forest pursuant to Proclamations of May 2, 1909, June 30, 1911, and Public Land Order No. 307 of December 18, 1945.

FRED W. JOHNSON,
Director.

[F. R. Doc. 48–1211; Filed, Feb. 10, 1948; 8:48 a. m.]

COLORADO

NOTICE FOR FILING OBJECTIONS TO PUBLIC LAND ORDER NO. 443,[1] WITHDRAWING PUBLIC LANDS FOR THE USE OF THE DEPARTMENT OF THE ARMY FOR FLOOD CONTROL PURPOSES

For a period of 30 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

MASTIN G. WHITE,
Acting Assistant Secretary of the Interior.

JANUARY 30, 1948.

[F. R. Doc. 48–1214; Filed, Feb. 10, 1948; 8:48 a. m.]

[1] F. R. Doc. 48–1213, Title 43, Chapter I, *supra.*

CIVIL AERONAUTICS BOARD

[Docket No. 1956]

MID-CONTINENT AIRLINES, INC.; ALTERNATE KANSAS CITY-NEW ORLEANS ROUTE

NOTICE OF HEARING

In the matter of the application of Mid-Continent Airlines, Inc., pursuant to section 401 (h) of the Civil Aeronautics Act of 1938, as amended, for authorization as a part of route No. 26 of an alternate route between Kansas City, Mo., and New Orleans, La., via Springfield, Mo., Little Rock, and El Dorado, Ark., and Monroe and Baton Rouge, La.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 thereof, that a hearing in the above-entitled proceeding is assigned to be held on February 19, 1948, at 10:00 o'clock a. m. (eastern standard time), in Room E–131, Wing C, Temporary Building 5, below Constitution Ave., between 15th and 17th Sts., N.W., Washington, D. C., before Examiner F. A. Law, Jr.

Without limiting the scope of the issues presented by said application, particular attention will be directed to the following matters and questions: (1) Whether the public convenience and necessity require the amendment of the certificate held by Mid-Continent Airlines, Inc., for route No. 26, so as to authorize the alternate operation through the points in the manner proposed; (2) whether the applicant Mid-Continent Airlines, Inc., is fit, willing, and able to perform the services proposed.

For further details of the service proposed and the issues arising in connection therewith, interested parties are referred to the applications on file with the Civil Aeronautics Board.

Notice is given that any person desiring to be heard in opposition to the application in this proceeding must file with the Board, on or before February 19, 1948, a statement setting forth the issues of fact and law raised by said application which he desires to controvert.

Dated at Washington, D. C., February 5, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48–1225; Filed, Feb. 10, 1948; 8:50 a. m.]

[Docket No. 2766]

CITY OF CLEARWATER, FLA., AND CLEARWATER CHAMBER OF COMMERCE; REDESIGNATION OF ST. PETERSBURG, FLA.

NOTICE OF HEARING

In the matter of the joint application of the city of Clearwater, Florida, and the Clearwater Chamber of Commerce, under section 401 (h) of the Civil Aeronautics Act of 1938, as amended, for the redesignation of St. Petersburg, Florida as St. Petersburg-Clearwater, Florida in the certificate of public convenience and necessity of National Airlines, Inc., for route No. 31.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 thereof, that a hearing in the above-entitled proceeding is assigned to be held on February 13, 1948, at 10:00 o'clock, a. m. (eastern standard time) in Room E–131, Wing C, Temporary Building 5, below Constitution Ave., between Fifteenth and Seventeenth Sts. NW., Washington, D. C., before Examiner F. A. Law, Jr.

Without limiting the scope of the issues presented by said application, particular attention will be directed to the following matters and questions: (1) Whether the public convenience and necessity require the amendment of the certificate held by National Airlines, Inc., for route No. 31, by redesignating the intermediate point, St. Petersburg, Florida as St. Petersburg-Clearwater, Florida.

For further details as to the issues involved, interested parties are referred to the application on file with the Civil Aeronautics Board.

Notice is given that any person desiring to be heard in opposition to the application in this proceeding must file with the Board, on or before February 13, 1948, a statement setting forth the issues of fact and law raised by said application which he desires to controvert.

Dated at Washington, D. C., February 5, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48–1226; Filed, Feb. 10, 1948; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 8744]

MIDDLESEX BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of The Middlesex Broadcasting Company, Middletown, Connecticut, for construction permit; Docket No. 8744, File No. BP–6363.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 31st day of January 1948;

The Commission having under consideration the above-entitled application of The Middlesex Broadcasting Company, requesting a permit to construct a new standard broadcast station to operate on 1150 kc, with 500 w power, daytime only, in Middletown, Connecticut; and the Commission also having under consideration of petition filed January 9, 1948, by Greater New York broadcasting Corporation, licensee of station WNEW, New York, New York, requesting that the said application be designated for hearing and that petitioner be made a party to said proceeding;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said petition by Greater New York Broadcasting Corporation be, and it is hereby, granted, and that the said application of The Middlesex Broadcasting Company be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with station WNEW, New York, New York, or with any other existing broadcast stations and, if so the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of Greater New York Broadcasting Corporation, licensee of station WNEW, New York, New York (File No. BP–4309; Docket No. 7317), for in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Greater New York Broadcasting Corporation, licensee of station WNEW be, and it is hereby, made a party to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48–1236; Filed, Feb. 10, 1948; 8:54 a. m.]

[Designation Order 18]

DESIGNATION OF MOTIONS COMMISSIONER FOR FEBRUARY 1948

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of January 1948;

It is ordered, Pursuant to § 1.111 of the Commission's rules and regulations, that Paul A. Walker, Commissioner, be and he is hereby designated as Motions Commissioner for the month of February 1948.

It is further ordered, That in the event said Motions Commissioner is unable to act during any part of said period the Chairman or Acting Chairman will designate a substitute Motions Commissioner.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48–1238; Filed, Feb. 10, 1948; 8:54 a. m.]

CLASS B FM ALLOCATION PLAN

JANUARY 30, 1948.

On January 30, 1948, the Commission adopted the following changes in the tentative allocation plan for Class B FM broadcast stations:

General Area	Channels	
	Delete	Add
Washington, Pa.	273	
Pittsburgh, Pa.		273

The above changes will be effective on March 2, 1948, unless prior to that date the Commission receives protest showing grounds why the action should not be taken.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48–1237; Filed, Feb. 10, 1948; 8:54 a. m.]

ARLINGTON-FAIRFAX BROADCASTING CORP.

NOTICE CONCERNING PROPOSED TRANSFER OF CONTROL [1]

The Commission hereby gives notice that on January 29, 1948, there was filed with it an application (BTC–611) for its consent under section 310 (b) of the Communications Act to the proposed transfer of control of Arlington-Fairfax Broadcasting Corporation licensee of AM Station WEAM and permittee of WEAM–FM from the present (7) stockholders to Harold H. Thoms and Meredith S. Thoms, 100 College Street, Asheville, North Carolina. The proposal to transfer control arises out of a contract of January 15, 1948, pursuant to which

[1] Section 1.321, Part 1, Rules of Practice and Procedure.

said stockholders would sell all the outstanding 618 shares of common $100 par value voting stock of the licensee to the above named purchasers for a total consideration of $67,500 less the amount of net liabilities as defined by the contract. Under the arrangement purchasers have agreed to loan the station on the date of settlement a sum sufficient to meet the net liabilities but not to exceed the amount of consideration. If net liabilities exceed said amount the stockholders are to pay such excess. Liabilities include about $5,000 incurred by the station prior to date of the agreement in connection with its application for full time operation. If said application is not granted within two years from date of agreement stockholders are to reimburse purchasers $5,000. If said application is granted purchasers agree to reimburse stockholders for monies expended after date of agreement in connection with said construction. Purchasers have deposited $10,000 earnest money to be applied upon the purchase price. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on January 29, 1948, that starting on February 6, 1948, notice of the filing of the application would be inserted in the "Arlington Daily" a newspaper of general circulation at Arlington, Virginia, in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from February 6, 1948, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-1239; Filed, Feb. 10, 1948; 8:54 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-991]

UNITED GAS PIPE LINE CO.

NOTICE OF APPLICATION

FEBRUARY 6, 1948.

Notice is hereby given that on January 27, 1948, United Gas Pipe Line Company (Applicant), a Delaware corporation, having its principal place of business at Shreveport, Louisiana, filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of approximately nine miles of 10-inch natural gas transmission pipeline extending from the gasoline plant of Lone Star Producing Company in the Carthage field, Panola County, Texas, to a point of interconnection with Applicant's Carthage-Longview 20-inch transmission line, near Beckville, Texas, together with necessary appurtenant facilities.

Applicant recites that Texas Eastern Transmission Corporation (Texas Eastern) has an agreement with Lone Star Gas Company (Lone Star) to purchase natural gas at the gasoline plant of Lone Star's affiliate, Lone Star Producing Company, in the Carthage field, Texas. Applicant states that the proposed 10-inch pipeline will be used to transport such Lone Star gas purchased by Texas Eastern.

Applicant further recites that it has constructed a 20-inch natural gas transmission line (Carthage-Longview line) extending from Applicant's gasoline plant in the said Carthage field to a point of interconnection with Texas Eastern's 24-inch main transmission line at Longview, Texas.[1] Applicant further seeks authorization herein to use its said Carthage-Longview line for the transportation for the account of Texas Eastern of such Lone Star gas for delivery into Texas Eastern's 24-inch main transmission line at Longview.

Applicant recites that with approximately 930 pounds pressure at the outlet side of Lone Star's aforesaid gasoline plant and with approximately 910 pounds pressure at the proposed point of interconnection with Applicant's Carthage-Longview line, said proposed 10-inch pipeline will have an estimated maximum daily delivery capacity of approximately 25,000 Mcf.

Applicant recites that due to the situation with respect to the supply of pipe, it may become necessary for Applicant to substitute pipe of another size and specification than that described in the application to enable Applicant to go forward with the work promptly.

The contract dated January 15, 1948, between Applicant and Texas Eastern for the transportation of such Lone Star gas provides that Texas Eastern is to construct and operate a measuring station at the site of Lone Star's gasoline plant in the said Carthage field. The said contract further provides that the monthly charge for the transportation for delivery at Longview of such Lone Star Gas shall be $3,750 plus an amount equivalent to one cent multiplied by the number of Mcf in excess of 375,000 Mcf of gas transported during the particular month in question.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of Rule 37 of the Commission's rules of practice and procedure (18 CFR 1.37), and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of United Gas Pipe Line Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of Rule 8 or 10, whichever is applicable, of the rules of practice and procedure (as amended on June 18, 1947) (18 CFR 1.8 and 1.10).

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-1230; Filed, Feb. 10, 1948; 8:53 a. m.]

[1] The construction and operation of Applicant's Carthage-Longview line was authorized by the Commission by its order of November 20, 1947, "In the Matter of United Gas Pipe Line Company," Docket No. G-915.

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 9751, Amdt.]

REAL AND PERSONAL PROPERTY OWNED BY GERMANY

Vesting Order 9751, dated September 4, 1947, is hereby amended as follows and not otherwise:

1. By deleting Exhibit A, attached thereto and by reference made a part thereof, and substituting therefor Exhibit A, attached hereto and by reference made a part hereof;

2. By deleting from Exhibit B, attached thereto and by reference made a part thereof, the figure and words "7 large oil paintings", and substituting therefor the figure and words "8 large oil paintings"; and

3. By adding, after the last item described in said Exhibit B, the following descriptions:

1 fitted carpet (red figured), 12 x 18 (oval).
1 3-set gas logs.
2 venetian blinds, 7' 3" x 4' 9".
3 venetian blinds, 7' x 3' 4".
1 wire desk basket.
1 mirror—oak frame, 14½ x 22½.
1 table—comp. top, oak 6' x 3'.
3 venetian blinds, 72 x 38.
1 ballot box.
1 drop table 54" (pine).
1 hall carpet—attached—green, 12 x 4.
1 hall carpet—attached—gray and black figured (hall).
1 long handled brush.
Venetian blind, 56" x 31".
Table—36" x 21" lin. top.
Venetian blind, 62" x 36".
Fireplace fender, 35".
1 set shelving, 9' x 8'.
1 rug—gray, 4 x 9 bathroom.
1 venetian blind, 7' x 42".
1 venetian blind, 6' 3" x 45".
1 rear stair carpet, 1st floor to 3d floor.
1 rug runner, 11' x 2½'.
Rug, 7' x 9' figured.
Venetian blind—53" x 36".
Venetian blind—53" x 36".
Venetian blind—53" x 36".
Carpet, attached to floor, 15 x 14 (tan).
Waste basket, metal.

1 drape-tan velour.
1 fireplace grate.
1 garbage can.
4 pairs shears, various sizes.
Gravure—"Der Schutzengel."
1 pair steel gates with fittings.
1 steel measuring rod.
Trash burner—"fast heat," Athens Stove Works.
Glass lamp shade—large.
Filing cabinet—4 drawer, legal, oak.
Filing cabinet—4 drawer, legal, oak.
Costumer—oak.
Clothes tree, oak—4-shaft type.
Photograph of S. S. "Europa"—7'.
Table—oak, 26" square.
Ballot box—14½ wide.
Carpet—fitted, 12 x 16 irregular green figured.
Shears, grass—"Doo-Klip."
Range, gas cooking, 6-burner, 2-single ovens, 1 double oven—"Reliable."
Step ladder—7'.
Work stand.
1 lot discarded plumbing fixtures, including 2 bathtubs, 2 sinks, 1 wash tray, 1 toilet bowl and tank.
1 counter—oak 12'.
1 15' ladder.
1 lot misc. cupboard doors, odd junk pieces, etc.
2 pr. rayon net curtains.
1 venetian blind, 45 x 47.

All other provisions of said Vesting Order 9751 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on February 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

All that certain real property situate, lying and being in the City and County of San Francisco, State of California, described as follows, to-wit:

Beginning at the point of intersection of the northerly line of Jackson Street and the easterly line of Laguna Street; running thence northerly along said line of Laguna Street 140 feet and 4½ inches; thence at a right angle easterly 87 feet and 6 inches; thence at a right angle southerly 12 feet and 8¼ inches; thence at a right angle westerly 7 feet and 6 inches; thence at a right angle southerly 127 feet and 8¼ inches to the northerly line of Jackson Street; thence at a right angle westerly along said line of Jackson Street 80 feet to the point of beginning.

Being a portion of Western Addition Block No. 194.

[F. R. Doc. 48–1253; Filed, Feb. 10, 1948; 8:57 a. m.]

[Vesting Order 10189, Amdt.]

ROTOPRINT, A. G.

In re: Rights and interests created in Rotoprint, A. G. of Berlin, Germany, by virtue of an agreement dated March 20, 1935, with Harold Baumgardner and by an agreement dated November 24, 1936, with American Rotoprint Corporation.

Vesting Order 10189 dated November 19, 1947, is hereby amended as follows and not otherwise: By substituting "Rotaprint, A. G.", for "Rotoprint, A. G.", and "American Rotaprint Corporation" for "American Rotoprint Corporation", wherever they appear in said vesting order.

All other provisions of said Vesting Order 10189 and all action taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C. on December 19, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48–1254; Filed, Feb. 10, 1948; 8:57 a. m.]

[Vesting Order 10480]

ALLIANZ VERSICHERUNGS-AKTIENGESELLSCHAFT

In re: Stock and bonds owned by Allianz Versicherungs-Aktiengesellschaft.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Allianz Versicherungs-Aktiengesellschaft, the last known address of which is 1–2 Taubenstrasse, Berlin, Germany, is a corporation organized under the laws of Germany and which has or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Two hundred (200) shares of $100 par value common capital stock of The Baltimore and Ohio Railroad Company, Baltimore, Maryland, a corporation organized under the laws of the States of Maryland and Virginia, evidenced by certificates numbered C 213521 and C 213522, registered in the name of Allianz Und Stuttgater, Verein Versicherungs-Aktiengesellschaft, Successors to Allianz Ins. Co., together with all declared and unpaid dividends thereon,

b. Those certain obligations, matured or unmatured, of Western Maryland Railway Company, Standard Oil Building, Baltimore, Maryland, evidenced by fifteen (15) Western Maryland Rail Road Company first mortgage 4% fifty year gold bonds, due 1952, issued in the name of bearer, of $1,000 face value each and bearing the following numbers: 23760, 23926, 24261, 25587, 26633, 26670/1, 27439, 27830, 28069, 30443/4, 32906, 33189, 37818.

together with any and all accruals to the aforesaid obligations and any and all rights in, to and under the aforesaid bonds,

c. Those certain obligations, matured or unmatured, of Southern California Edison Company, 601 West 5th Street, Los Angeles, California, evidenced by ten (10) Southern California Edison Company, Ltd. first and refunding 3¾% bonds, due 1960, issued in the name of bearer, of $1,000 face value each and bearing the numbers 16019 to 16028 inclusive, together with any and all accruals to the aforesaid obligations and any and all rights in, to and under, including particularly but not limited to all rights arising from the redemption of, the aforesaid bonds, and

d. Those certain obligations, matured or unmatured, of The Chicago, Rock Island and Pacific Railway Company, 139 West Van Buren Street, Chicago, Illinois, evidenced by sixty-five (65) The Chicago, Rock Island and Pacific Railway Company first and refunding 4% bonds, due 1934, issued in the name of bearer, of $1,000 face value each and bearing the following numbers: 26168, 27611, 29389, 29833/4, 30435/8, 30440, 32079, 33856, 35975, 36808, 40128, 41402/4, 41970, 47555, 59063/4, 66200, 66515/24, 67323, 67858, 70138, 70140, 83450, 89826/7, 89951/70, 90023/7,

together with any all accruals to the aforesaid obligations and any and all rights in, to and under the aforesaid bonds, including particularly but not limited to any and all rights arising or which may arise from any plan of reorganization, proposed or final, of aforesaid The Chicago, Rock Island and Pacific Railway Company,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Allianz Versicherungs-Aktiengesellschaft, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 14, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48–1240; Filed, Feb. 10, 1948; 8:55 a. m.]

[Vesting Order 10546]

MINNA BAUER

In re: Estate of Minna Bauer, deceased. File D–28–9846; E. T. sec. 13887.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Irmgard B. Heinemann, Otto Bauer, Emma Schulze, Gertrude Bauer, Louise Mayer, William Wulfekuhler, Louis Wulfekuhler and Bernhard Holtman, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees, of Gertrude (Gertrud) B. Ritter, and the children, names unknown, of William Sieker, deceased, who there is reasonable cause to believe are residents of Germany are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Estate of Minna Bauer, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by August Wulfekuhler and Louise Wulfekuhler, as coexecutors, acting under the judicial supervision of the Probate Court of the State of Kansas, in and for the County of Leavenworth;

and it is hereby determined;

5. That to the extent that the persons identified in subparagraph 1 hereof and the personal representatives, heirs, next of kin, legatees and distributees of Gertrude (Gertrud) B. Ritter, deceased, and the children, names unknown, of William Sieker, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 29, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-1241; Filed, Feb. 10, 1948; 8:55 a. m.]

[Vesting Order 10548]

ANNA BORN

In re: Estate of Anna Born, deceased. File No. D-28-3626; E. T. sec. 5864.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That August Born, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof, in and to the estate of Anna Born, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by the Treasurer of the City of New York, as Depositary, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 29, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-1242; Filed, Feb. 10, 1948; 8:55 a. m.]

[Vesting Order 10549]

HENRY W. ESSER

In re: Estate of Henry W. Esser, deceased. File No. D-28-4308.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Margarete Mellin, Johannes Esser, Mrs. Helene Befeldt and Mrs. Gertrud Lehmann, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Henry W. Esser, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by H. W. McLeod, as Administrator, acting under the judicial supervision of the Probate Court of the State of Ohio, in and for the County of Cuyahoga;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 29, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-1243; Filed, Feb. 10, 1948; 8:55 a. m.]

[Vesting Order 10551]

PETER FOLKERS

In re: Estate of Peter Folkers, deceased. File D-28-11993; E. T. sec. 16173.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Johannes A. Folkers, Ingeborg Peters, Friederike Dorothee Folkers and Grete Wanda Folkers, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Peter Folkers, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Ben H. Brown, as Administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as

nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 29, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-1244; Filed, Feb. 10, 1948; 8:55 a. m.]

[Vesting Order 10554]

FRANK HOFFMANN

In re: Estate of Frank Hoffmann, deceased. File No. D-G-1206; E. T. sec. 13210.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Leopoldine Heinrich, whose last known address is Germany, is a resident of Germany and national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the Estate of Frank Hoffmann, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Frank Riener, as administrator, acting under the judicial supervision of the Probate Court of the State of Minnesota, in and for the County of Douglas;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 29, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-1246; Filed, Feb. 10, 1948; 8:56 a. m.]

[Vesting Order 10555]

GERTRUDE K. M. BORK ILFRICH

In re: Rights of Gertrude K. M. Bork Ilfrich under insurance contract. File No. F-28-28060-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gertrude K. M. Bork Ilfrich, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 49002, issued by the Old Line Life Insurance Company of America, Milwaukee, Wisconsin, to Gertrude K. M. Bork Ilfrich, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 29, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-1247; Filed, Feb. 10, 1948; 8:56 a. m.]

[Vesting Order 10557]

OTTO F. KOSCHNICK

In re: Estate of Otto F. Koschnick, deceased. File D-28-3519; E. T. sec. 5746.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Adolph Malink, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the sum of 85.02 deposited on May 23, 1942, with the County Treasurer of Cook County, Illinois, Depositary, to the credit of Adolph Malink pursuant to an order of the Probate Court of Cook County, Illinois, in the matter of the estate of Otto F. Koschnick, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by the County Treasurer of Cook County, Illinois, as Depositary, acting under the judicial supervision of the Probate Court of Cook County, Illinois;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in Section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 29, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-1248; Filed, Feb. 10, 1948; 8:56 a. m.]

[Vesting Order 10559]

ERNST LAMY

In re: Estate of Ernst Lamy, deceased. File No. 017-18041.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gertrud Hoffmann, nee Lamy, whose last known address is Germany, is a resident of Germany and a national

of a designated enemy country (Germany);

2. That the children, names unknown, of Gertrud Hoffmann, nee Lamy, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Estate of Ernst Lamy, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Frederick Alefson, Executor, acting under the judicial supervision of the County Court of Milwaukee County, State of Wisconsin;

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof, and the children, names unknown, of Gertrud Hoffmann, nee Lamy, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 29, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-1249; Filed, Feb. 10, 1948; 8:56 a. m.]

[Vesting Order 10563]

SUYEZO MINAMOTO

In re: Rights of Suyezo Minamoto under insurance contract. File No. F-39-1789-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Suyezo Minamoto, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. WS 54470, issued by the California-Western States Life Insurance Company, Sacramento, California, to Suyezo Minamoto, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 29, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-1251; Filed, Feb. 10, 1948; 8:56 a. m.]

[Vesting Order 10570]

HANS ROHWER

In re: Estate of Hans Rohwer, deceased. File No. D-28-11636; E. T. sec. 15860.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Margaretha Kuhl, Claus Rohwer, Anna Rohwer Wichmann, Elise Kruse, a/k/a Aleasa Rohwer Kruse, Markus Rohwer, Anna Rohwer Butenschon, Max Trede, and Katharina Trede whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Hans Rohwer, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Arnold H. Nickels, as Administrator, acting under the judicial supervision of the County Court of Knox County, Nebraska;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 29, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-1252; Filed, Feb. 10, 1948; 8:56 a. m.]

[Return Order 42]

FRITZ HOHENEMSER

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,[1]

It is ordered, That the claimed property, described below and in the Determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant and Claim Number; Notice of Intention to Return Published; Property

Fritz Hohenemser, Mexico, D. F., Mexico, Claim No. 1146; 12 F. R. 5357, August 7, 1947; $7,753.68 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on February 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-1255; Filed, Feb. 10, 1948; 8:57 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 790, Special Directive 43]

PENNSYLVANIA RAILROAD CO.

DIRECTIVE TO FURNISH CARS FOR NEW YORK, ONTARIO AND WESTERN RAILWAY FUEL COAL

On February 3, 1948, The New York, Ontario and Western Railway Company (Raymond L. Gebhardt and Ferdinand J. Sieghardt Trustees) certified that they have on that date in storage and in cars a total supply of 12 days of fuel coal, and that it is immediately essential that this company increase its coal supply from a certain mine.

The certified statements have been verified and found to be correct.

[1] Filed as part of the original document.

Therefore, pursuant to the authority vested in me by paragraph (b) of Service Order No. 790, The Pennsylvania Railroad Company is directed:

(1) To furnish daily to the Moon Run #2 mine, four cars for the loading of New York, Ontario and Western Railway Company (Raymond L. Gebhardt and Ferdinand J. Sieghardt, Trustees) fuel coal from its total available supply of cars suitable for the transportation of coal.

(2) That such cars furnished in excess of the mines' distributive share for the day will not be counted against said mine.

(3) That it shall not accept billing of cars furnished for loading under the provisions of this directive unless billed for The New York, Ontario and Western Railway Company (Raymond L. Gebhardt and Ferdinand J. Sieghardt, Trustees) fuel coal supply.

(4) To furnish this Bureau, as soon as may be practicable after the end of each week, information showing the total number of cars furnished to said mine for the preceding week under the authority of this directive and to indicate how many such cars were in excess of the daily distributive share of car supply of such mine.

A copy of this special directive shall be served upon The Pennsylvania Railroad Company and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 3d day of February, A. D. 1948.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 48-1227; Filed, Feb. 10, 1948; 8:51 a. m.]

[S. O. 790, Special Directive 45]

NEW YORK CENTRAL RAILROAD CO.

DIRECTIVE TO FURNISH CARS FOR CINCINNATI UNION TERMINAL FUEL COAL

On February 4, 1948, The Cincinnati Union Terminal Company certified that it had on that date in storage and in cars a total supply of less than sixteen days of fuel coal, and that it is immediately essential that this company increase its coal supply from certain mines.

The certified statements have been verified and found to be correct.

Therefore, pursuant to the authority vested in me by paragraph (b) of Service Order 790, The New York Central Railroad Company is directed:

(1) To furnish to the Cannelton Coal & Coke Company mine number "AY" 10 cars daily for the loading of The Cincinnati Union Terminal Company fuel coal from its total available supply of cars suitable for the transportation of coal.

(2) That such cars furnished in excess of the mines' distributive share for the day will not be counted against said mine.

(3) That it shall not accept billing of cars furnished for loading under the provisions of this directive unless billed for The Cincinnati Union Terminal Company fuel coal supply.

(4) To furnish this Bureau, as soon as may be practicable after the end of each week, information showing the total number of cars furnished to said mine for the preceding week under the authority of this directive and to indicate how many such cars were in excess of the daily distributive share of car supply of such mine.

A copy of this special directive shall be served upon The New York Central Railroad Company and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 4th day of February, A. D. 1948.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 48-1228; Filed, Feb. 10, 1948; 8:51 a. m.]

[S. O. 790, Special Directive 46]

NORFOLK AND WESTERN RAILWAY CO.

DIRECTIVE TO FURNISH CARS FOR CINCINNATI UNION TERMINAL FUEL COAL

On February 4, 1948, The Cincinnati Union Terminal Company certified that it had on that date in storage and in cars a total supply of less than sixteen days of fuel coal, and that it is immediately essential that this company increase its coal supply from a certain mine.

The certified statements have been verified and found to be correct.

Therefore, pursuant to the authority vested in me by paragraph (b) of Service Order 790, the Norfolk and Western Railway Company is directed:

(1) To furnish to the Norfolk and Chesapeake Coal Company Feds Creek Mine three cars daily for the loading of The Cincinnati Union Terminal Company fuel coal from its total available supply of cars suitable for the transportation of coal.

(2) That such cars furnished in excess of the mines' distributive share for the day will not be counted against said mine.

(3) That it shall not accept billing of cars furnished for loading under the provisions of this directive unless billed for The Cincinnati Union Terminal Company fuel coal supply.

(4) To furnish this Bureau, as soon as may be practicable after the end of each week, information showing the total number of cars furnished to said mine for the preceding week under the authority of this directive and to indicate how many such cars were in excess of the daily distributive share of car supply of such mine.

A copy of this special directive shall be served upon the Norfolk and Western Railway Company and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 4th day of February A. D. 1948.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 48-1229; Filed, Feb. 10, 1948; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1695]

GERALD L. SCHLESSMAN

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 4th day of February A. D. 1948.

Notice is hereby given that an application has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, particularly sections 9 (a) (2) and 10 thereof, by Gerald L. Schlessman.

All interested persons are referred to said application which is on file with this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Applicant and his immediate family now own 23,959 shares of common stock of Mountain Utilities Corporation ("MUC"), a public utility company organized and operating in the State of Colorado. Applicant proposes to acquire from certain named parties 31,041 additional shares of such common stock, following which acquisition applicant and family will own 55,000 shares, constituting all of the outstanding common stock of MUC. The proposed purchase price is stated to be $75,223, or approximately $2.42 per share. Expense estimated at $500 will be paid by applicant. No fees or commissions will be paid in connection with the proposed acquisition.

Applicant is presently an affiliate of the public utility companies listed in the table below, which table indicates as to each such company the number of shares held by applicant, the ratio of such holdings to the total number of shares outstanding, and the state in which such company is organized and operating:

Company	Number of shares held	Percent of total	State of incorporation	State in which operating
Mountain Utilities Corp.[1]	[1] 23,959	43.6	Colorado	Colorado.
Greeley Gas Co	400	100	do	Do.
Western States Utilities Co	2,500	100	Delaware	Minnesota.
Durango Natural Gas Co	[2] 64	4.3	Colorado	Colorado.

[1] Includes shares held by applicant's immediate family.
[2] Balance of 1,436 shares (95.7%) held by applicant's wife.

Notice is further given that any interested person may, not later than February 19, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for his request, the nature of his interest and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street, N. W., Washington 25, D. C. At any time after said date said application, as filed or as amended, may be granted as provided in Rule U-23 of the Rules and Regulations promulgated under said Act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-1216; Filed, Feb. 10, 1948; 8:49 a. m.]

[File No. 54-130]

INTERSTATE POWER CO. AND OGDEN CORP.

ORDER RELEASING JURISDICTION OVER TERMS OF DEBENTURE INDENTURE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 4th day of February A. D. 1948.

The Commission, by order dated December 24, 1947, having approved, pursuant to section 11 (e) of the act, a plan of reorganization ("Alternate Plan") of Interstate Power Company ("Interstate"), and having by said order reserved jurisdiction over the terms of the indenture securing the new debentures proposed to be issued by Interstate in connection with said Alternate Plan; and

Interstate having submitted for the record herein a copy of the proposed indenture securing said new debentures; and

The terms and conditions of said indenture appearing to the Commission to be appropriate under the applicable sections of the act;

It is ordered, That the jurisdiction heretofore reserved over the terms of the indenture securing said new debentures be, and the same hereby is, released, and the jurisdiction heretofore reserved with respect to the other matters specified in said order of December 24, 1947, be, and the same hereby is, in all respects continued.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-1217; Filed, Feb. 10, 1948; 8:49 a. m.]

[File No. 70-1736]

STANDARD GAS AND ELECTRIC CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 4th day of February 1948.

Notice is hereby given that a declaration has been filed with the Commission, pursuant to the Public Utility Holding Company Act of 1935, by Standard Gas and Electric Company, a registered holding company, designating sections 6 and 7 of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than February 13, 1948, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street, N.W., Washington 25, D. C. At any time after February 13, 1948, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said declaration, which is on file in the office of the Commission, for a statement of the transaction therein proposed, which is summarized below:

Standard Gas and Electric Company proposes to amend its Certificate of Incorporation so as to increase the number of directors of the Company from eight to nine of whom three will be elected by the holders of the Prior Preference Stock (instead of two as presently provided), two by the holders of the $4 Cumulative Preferred Stock, and four by the holders of the Common Stock. All provisions of the Certificate of Incorporation relating to the formerly outstanding Notes and Debentures of the company will be deleted. It is also proposed to amend the by-laws of the company to conform with the amendments to the Certificate of Incorporation.

Standard Gas and Electric Company requests that the Commission's order to be issued herein become effective as soon as possible.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-1218; Filed, Feb. 10, 1948; 8:49 a. m.]

[File No. 68-98]

STANDARD GAS AND ELECTRIC CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Philadelphia, Pa., on the 4th day of February 1948.

Notice is hereby given that a declaration has been filed with the Commission pursuant to Rule U-65 of the Public Utility Holding Company Act of 1935 by Standard Gas and Electric Company, a registered holding company, for an order permitting such declaration to become effective; and

Notice is further given that any interested person may not later than February 13, 1948 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert or may request that he be notified if the Commission should order a hearing thereon; any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after February 13, 1948, said declaration as filed or as amended may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to such declaration which is on file at the office of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Standard Gas and Electric Company proposes to present to its stockholders at the postponed annual meeting of stockholders which is scheduled for March 11, 1948, the question of whether the charter and by-laws of the corporation should be amended so as to increase the number of directors to be elected by the holders of Prior Preference Stock from two to three and thus provide for a board of directors consisting of nine members. In order to insure obtaining a sufficiently large vote of stockholders with respect to such amendments to meet the requirements of Delaware law, Standard Gas and Electric Company proposes to engage a firm of proxy solicitors to assist it in obtaining proxies from brokers and financial institutions having stock standing in their names. Standard Gas and Electric Company estimates that a sum not exceeding $2,500 will be paid to such proxy solicitors in addition to expenses estimated at approximately $1,500. Said amounts, it is stated, will be in addition to expenditures covered by paragraph (b) of Rule U-65.

Standard Gas and Electric Company states it has received no information as to any opposition which has arisen or may arise with respect to the subject matter of the solicitation mentioned in its declaration. Standard Gas and Electric Company has requested that the Commission accelerate effectiveness of the declaration so as to permit the commencement of the solicitation as soon as possible.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-1219; Filed, Feb. 10, 1948; 8:49 a. m.]

[File No. 812-533]

E. I. DU PONT DE NEMOURS AND CO. ET AL.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its

offices in the city of Washington, D. C., on the 5th day of February A. D. 1948.

In the matter of E. I. du Pont de Nemours and Company, General Motors Corporation, Standard Oil Company, Ethyl Corporation, File No. 812–533.

E. I. du Pont de Nemours and Company of Wilmington, Delaware, an affiliated person of and presumptively controlled by Christiana Securities Company, a closed-end management company registered under the Investment Company Act of 1940, has filed an application pursuant to section 17 (b) of the act for an order exempting from the provisions of section 17 (a) of the act a proposed transaction whereby Standard Oil Company, a New Jersey corporation, and General Motors Corporation, an affiliated person of the Applicant, would purchase from the Applicant 36,497 shares of 7% Preferred Stock of Ethyl Corporation for $3,649,700. Such proposed transaction would involve the purchase by an affiliated person (General Motors) of an affiliated person (du Pont) of a registered investment company (Christiana) from a company (du Pont), controlled by the registered investment company (Christiana), of a security, of which the seller (du Pont) is not the issuer, a type of transaction prohibited by section 17 (a) (2) of the act unless exempted by an order of the Commission under section 17 (b) of the act.

Said application having been filed on January 13, 1948; notice of the filing of said application having been duly given in the manner and form prescribed in Rule N-5 under the act; the Commission not having received a request for a hearing within the period specified in such notice; and a hearing not appearing necessary or appropriate in the public interest or for the protection of investors;

Wherefore, the Commission, having considered the application, finds:

(1) The terms of the proposed transaction, including the consideration to be paid and received, are reasonable and fair and do not involve overreaching on the part of any person concerned;

(2) The proposed transaction is consistent with the policy of Christiana Securities Company as recited in its registration statement and reports filed pursuant to the act; and

(3) The proposed transaction is consistent with the general purposes of the act.

It is ordered, therefore, That the proposed transaction whereby Standard Oil Company and General Motors Corporation would purchase from E. I. du Pont de Nemours and Company the aforementioned securities of Ethyl Corporation, under the terms and conditions recited in the application referred to above, be and hereby is exempted from the provisions of section 17 (a) of the Investment Company Act of 1940.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48–1220; Filed, Feb. 10, 1948; 8:49 a. m.]

[File No. 70–1707]

UNITED LIGHT AND RAILWAYS CO. ET AL.

ORDER GRANTING AND PERMITTING APPLICATION-DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 3d day of February A. D. 1948.

In the matter of The United Light and Railways Company, Continental Gas & Electric Corporation, Iowa Power and Light Company; File No. 70–1707.

Iowa Power and Light Company ("Iowa"), a public utility company, and its parent companies, Continental Gas & Electric Corporation ("Continental") and The United Light and Railways Company ("Railways"), registered holding companies, having filed a joint application-declaration, and amendments thereto, pursuant to sections 7, 9, 10 and 12 of the Public Utility Holding Company Act of 1935 ("Act") and Rule U-50 promulgated thereunder, with respect to the following transactions:

Iowa proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $6,000,000 principal amount of First Mortgage Bonds __% Series due 1978. The bonds are to be issued under and secured by the company's presently outstanding mortgage dated as of August 1, 1943, as supplemented by the First Supplemental Indenture dated as of August 1, 1943, and the Second Supplemental Indenture dated as of February 1, 1948. The interest rate of the bonds (which shall be a multiple of ⅛ of 1%) and the price, exclusive of accrued interest, to be paid to Iowa (which shall not be less than 100% or more than 102¾% of the principal amount) are to be determined by competitive bidding.

Iowa also proposes: (a) To amend its Articles of Incorporation to increase the authorized number of common shares from 1,000,000 to 1,500,000; (b) to capitalize $1,500,000 of its earned surplus by transferring that amount to the Capital Stock Account and issuing to Continental, its sole stockholder, 150,000 shares of $10 par value common stock; and (c) to issue and sell to Continental, as soon as practicable and in any event on or before July 1, 1948, an additional 150,000 shares of $10 par value common stock for $1,500,000 cash. Of the proceeds from the sale of the bonds, $2,100,000 will be deposited with the Trustee under the existing Indenture and be subject to withdrawal in accordance with the provisions thereof. The remaining proceeds from sale of the bonds, after payment of expenses estimated at $89,000, together with the proceeds from the sale of the additional common stock, after deducting expenses estimated at $11,000, will be used to reimburse Iowa for expenditures heretofore made for property additions (including payment of $1,000,000 principal amount of 1⅞%, 90-day notes issued to certain banks for temporary financing of a portion of such expenditures) and to provide additional funds for the construction or acquisition of property and other corporate purposes.

Railways and Continental propose to enter into a contract with Iowa providing for the issue and sale of said 150,000 shares of Iowa's common stock to Continental subject only to the Commission's authorizing Continental to issue and sell and Railways to acquire sufficient additional common stock of Continental to provide Continental with the funds necessary to purchase such shares of Iowa. The application-declaration states that the section 11 (e) plan filed by Railways and American Light & Traction Company contained in Application No. 31, as amended (File Nos. 59–11, 59–17 and 54–25), proposes that Railways purchase additional shares of Continental in a sufficient amount to permit the retirement by Continental of its outstanding bank loan, that a definitive filing will be made in due course covering that transaction and that, for purposes of simplicity and convenience, such definitive filing will include a request for authorization of the proposed purchase by Railways of the additional $1,500,000 stated value of common stock of Continental referred to herein; and

Such application-declaration having been filed December 22, 1947, and the last amendment thereto having been filed February 2, 1948, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated under the act, and the Commission not having received a request for a hearing with respect to said application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application-declaration, as amended, that the requirements of the applicable provisions of the act and the rules thereunder are satisfied, that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration, as amended, be granted and permitted to become effective, and further deeming it appropriate to grant the request of applicants-declarants that this order become effective upon its issuance:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration, as amended, be, and hereby is, granted and permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24 and to the further condition that the proposed sale of First Mortgage Bonds by Iowa shall not be consummated until the results of competitive bidding, pursuant to Rule U-50, have been made a matter of record herein and a further order shall have been entered with respect thereto, which order may contain such further terms and conditions as may be deemed appropriate, for which purpose jurisdiction is hereby reserved.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48–1222; Filed, Feb. 10, 1948; 8:50 a. m.]